

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: KBI-0015

Inventors: Natarajan Ranganathan

Serial No.: 10/689,359

Filing Date: October 20, 2003

Examiner: Not Yet Assigned

Group Art Unit: 1651

Title: Nutritional Compositions Comprising Probiotics

I, Jane Massey Licata, Registration No. 32,257, certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to the Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450

On this date: February 2, 2004

Jane Massey Licata  
Jane Massey Licata, Registration No. 32,257

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

(XX) In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified

application, within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, no additional fee is required.

( ) In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, therefore:

( ) Certification in Accordance with §1.97(e) is attached hereto; or

( ) The fee of \$180.00 as set forth in §1.17(p) is attached.

( ) In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee, therefore included are: Certification in Accordance with §1.97(e); Petition Requesting Consideration of the Information Disclosure Statement; and the fee of \$130.00 as set forth in §1.17(I) (1).

(XX) Copies of each of the references listed on the attached Form PTO-1449 (modified) are enclosed herewith.

( ) In accordance with §1.98(d), copies of some or all of the references listed on the attached Form PTO-1449 (modified) are not enclosed herewith because they were previously submitted to the U.S. Patent and Trademark Office in prior application Serial No. \_\_\_\_\_, filed \_\_\_\_\_, for which a claim for priority under 35 U.S.C. §120 has been made in the instant application.

Please charge any deficiency or credit any overpayment to Deposit Account No. 50-1619. This form is submitted in duplicate.

( ) The relevance of the listed references in a foreign language is as stated in the specification at pages @@.

(XX) All listed references are in the English language.

Respectfully submitted,

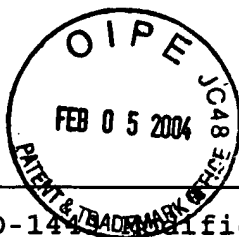


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Sheet 01 of 01

<b>Form PTO-1417</b> <b>Unpublished</b>		<b>Docket No.</b> <b>KBI-0015</b>	<b>Serial No.</b> <b>10/689,359</b>
<b>List of Patents and Publications</b> <b>Cited by Applicant</b> <b>(Use several sheets if necessary)</b>		<b>Applicant</b> <b>Natarajan Ranganathan</b>	
		<b>Filing Date</b> <b>October 20, 2003</b>	<b>Group</b> <b>1651</b>
<b>U.S. Department of Commerce</b>			
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>			
	AA	Cummings et al., "Prebiotic digestion and fermentation <sup>1-3</sup> ", Am J Clin Nutr 2001 73:415S-420S	
	AB	Holzapfel et al., "Overview of gut flora and probiotics", International Journal of Food Microbiology 1998 41:85-101	
	AC	Marteau et al., "Protection from gastrointestinal diseases with the use of probiotics <sup>1-3</sup> ", Am J Clin Nutr 2001 73:430S-436S	
	AD	vonWright and Salminen, "Probiotics:established effects and open questions", Eur J Gastroenterol Hepatol 1999 11:1195-1198	
<b>EXAMINER</b>		<b>DATE CONSIDERED</b>	